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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,
9 Plaintiff,

10 v.

11 FREDY HERNANDEZ-GOMEZ,
12 Defendant.

2:18-cr-00282-KJD-VCF

Preliminary Order of Forfeiture

13 This Court finds that defendant Fredy Hernandez-Gomez pled guilty to Count One of a
14 One-Count Criminal Information charging him with Receipt of Child Pornography in violation
15 of Title 18, United States Code, Section 2252A(a)(2). Criminal Information, ECF No. 29;
16 Change of Plea, ECF No. 31; Plea Agreement, ECF No. 31.

17 This Court finds defendant Fredy Hernandez-Gomez agreed to the forfeiture of the
18 property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal
19 Information. Criminal Information, ECF No. 29; Change of Plea, ECF No. 32; Plea Agreement,
20 ECF No. 31.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
22 America has shown the requisite nexus between property set forth in the Plea Agreement and the
23 Forfeiture Allegation of the Criminal Information and the offense to which defendant Fredy
24 Hernandez-Gomez pled guilty.

25 The following property is (1) any visual depiction described in Title 18, United States
26 Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which

1 contains any such visual depiction, which was produced, transported, mailed, shipped or received
2 in violation of Title 18, United States Code, Section 2252A(a)(2) and (2) any property, real or
3 personal, used or intended to be used to commit or to promote the commission of Title 18,
4 United States Code, Section 2252A(a)(2) or any property traceable to such property, and is
5 subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1) and 2253(a)(3):
6 An LG Cricket cell phone, Model K540, bearing serial number 701CYWC450217 (property).

7 This Court finds that the United States of America may amend this order at any time to
8 add subsequently located property or substitute property to the forfeiture order pursuant to Fed.
9 R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

10 This Court finds the United States of America is now entitled to, and should, reduce the
11 aforementioned property to the possession of the United States of America.

12 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
13 the United States of America should seize the aforementioned property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights,
15 ownership rights, and all rights, titles, and interests of Fredy Hernandez-Gomez in the
16 aforementioned property are forfeited and are vested in the United States of America and shall be
17 safely held by the United States of America until further order of the Court.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
19 America shall publish for at least thirty (30) consecutive days on the official internet government
20 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
21 property, state the time under the applicable statute when a petition contesting the forfeiture must
22 be filed, and state the name and contact information for the government attorney to be served
23 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
24 Section 853(n)(2).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
26 entity who claims an interest in the aforementioned property must file a petition for a hearing to

1 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
2 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
3 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
4 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
5 facts supporting the petitioner's petition and the relief sought.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
7 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
8 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
9 sixty (60) days after the first day of the publication on the official internet government forfeiture
10 site, www.forfeiture.gov.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
12 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
13 the following address at the time of filing:

14 Michael A. Humphreys
15 Assistant United States Attorney
16 Daniel D. Hollingsworth
17 Assistant United States Attorney
18 501 Las Vegas Boulevard South, Suite 1100
19 Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
21 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
22 agency following publication of notice of seizure and intent to administratively forfeit the above-
23 described property.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
25 of this Order to all counsel of record.

26 DATED this 24th day of October, 2018.


UNITED STATES DISTRICT JUDGE